

United States District Court

WESTERN DISTRICT OF WASHINGTON

JOSEPH M. SPARKS,

v.

JUDGMENT IN A CIVIL CASE

C10-5142 RBL

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS, *et al.*,

____ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

 X **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

- (1) The Court adopts the Report and Recommendation; and
- (2) This action is **DISMISSED without prejudice** prior to service for failure to state a claim. **This dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g)**

May 28, 2010
Date

BRUCE RIFKIN
Clerk

s/ Mary Trent
Deputy Clerk